BOMBAY ACT No. XLIV OF 1949.[1]

[THE CITY OF BOMBAY (BUILDING WORKS RESTRICTION) ACT, 1949.]

[*7th November 1949*]

An Act to restrict the construction, alteration and repair of buildings in certain areas in the City of Bombay.

WHEREAS it is expedient to restrict the construction, alteration and repair of buildings in certain areas in the City of Bombay ; It is hereby enacted as follows :—

Short title.

1. This Act may be called the City of Bombay (Building Works Restriction) Act, 1949.

Interpretation.

2. Unless there is anything repugnant in the subject or context, words and expressions used in this Act shall have the same meaning as in the City of Bombay Municipal Act, 1888 (hereinafter called " the principal Act ").

Bom. III of 1888.

Restriction on building works in certain area without permission.

3. No person shall, during the period of two years from the date of the commencement of this Act, do any work of erecting, re-erecting, constructing, reconstructing, adding to, altering or repairing any building, wall or other structure, or any part thereof situated in the area described in the Schedule, or laying out any private street in the said area, except under the authority of a written permission granted by the Commissioner and except in accordance with such conditions, if any, as the Commissioner may think fit to specify in the permission.

Delegation of power.

4. The powers conferred on the Commissioner by section 3 may be exercised, under the Commissioner's control and subject to his revision and to such conditions and limitations, if any, as he shall think fit to prescribe, by any municipal officer or servant whom the Commissioner specially empowers in writing in this behalf.

Penalty.

5. Whoever contravenes the provisions of section 3 shall, on conviction, be punished with imprisonment which may extend to three months or with fine which may extend to one thousand rupees or with both.

Explanation.—If any person who is in occupation, possession, or control of any land or building fails without lawful authority or excuse in respect of such land or building to comply or to secure compliance with the provisions of section 3 or evades or attempts to evade the said provisions he shall be deemed to have contravened the said provisions.

Commissioner may remove unauthorized work.

6. (*1*) The Commissioner may remove or cause to be removed any work done in contravention of section 3.

(*2*) All reasonable expenses incurred by the Commissioner in effecting any removal under sub-section (*1*) shall be recoverable under the prinicipal Act as if such expenses were included in sub-section (*1*) of section 490 of the princpal Act.

Expenses incurred by the Commissioner may be debited to the municipal fund.

7. Not withstanding anything to the contrary contained in the principal Act any expenses incurred by the Commissioner in the execution or intended execution of this Act may be paid out of the municipal fund.

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1949, Part V, page 313.

Written permission to enure for benefit of successors in title.

8. The benefit of any written permission granted under section 3 shall be annexed to and shall go with the ownership of the building, wall, or other structure or private street, as the case may be, in respect of which it was granted, and may be enforced by every person in whom that ownership is for the time being vested, and every condition specified in any such permission shall be binding upon every such person.

Bar of legal proceedings.

9. No suit or other legal proceeding shall be instituted against the Corporation or the Commissioner or any municipal officer or servant in respect of any act in good faith done or intended to be done in pursuance of the provisions of this Act.

SCHEDULE.

Area bounded on the East by the western boundary of the B.B. & C. I. Railway lines from its junction with the northern edge of Elphinstone Bridge up to its junction with Mori Road, on the North by the southern edge of Mori Road up to its junction with the eastern edge of Lady Jamshedji Road ; on the West by the eastern edge of Lady Jamshedji Road and across the road to its junction with the eastern edge of Gokhle Road (North) and then along the eastern edge of Gokhle Road (North) up to its junction with the southern edge of Ranade Road Extension and then across Gokhle Road (North) and along the southern edge of the Ranade Road Extension up to the sea-shore limit, then by the western boundary of the sea-shore up to its junction with the southern edge of the proposed 60 feet Road extended hypothetically up to the sea ; then on the South along the southern edge of the hypothetical extended line of the proposed 60 feet Road, then along the southern edge of the proposed 60 feet Road up to its junction with the eastern edge of Dr. Annie Beasant Road, then along the eastern edge of Dr. Annie Beasant Road up to its junction with the Drainage Channel, then along the Drainage Channel (excluding the Channel) up to its junction with the Elphinstone Road and Tulsi Pipe Line Road, and then along the northern edge of the Elphinstone Road and the Elphinstone Bridge up to its junction with the B.B. & C. I. Railway lines.